



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 4

ALBERT P SHARPE III
FAY SHARPE FAGAN MINNICH & McKEE
7TH FLOOR
1100 SUPERIOR AVENUE
CLEVELAND, OH 44114-2518

COPY MAILED

DEC 11 2001

OFFICE OF PETITIONS

In re Application of	:
Steven J. Harrington	:
Application No. 09/740,131	:
Filed: December 18, 2000	:
Attorney Docket No. XER 2 0351	:
D/99819	:
	:
	:

DECISION GRANTING
PETITION

This is a decision on the paper styled "Request For Corrected Filing Receipt" filed September 24, 2001, which is properly treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of December 18, 2000, rather than the presently accorded filing date of December 19, 2000.

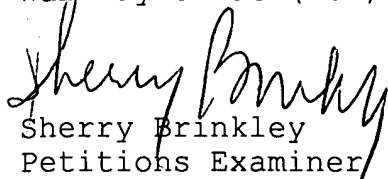
Applicant alleges that the application was deposited in "Express Mail" service with the U.S. Postal Service, on December 18, 2000. In support, applicant provided a copy of the Express Mail label, receipt no. EL545793153US, showing a Date-In of December 18, 2000. The same Express Mail receipt number appears on the original transmittal letter found in the application file. Applicant requests that the application be accorded a filing date of December 18, 2000.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on December 18, 2000.

The petition is granted. A copy of the corrected Filing Receipt is enclosed.

The application is being returned to Technology Center AU 2622 for examination in due course.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

A handwritten signature in cursive script, appearing to read "Sherry Brinkley", is written over the typed name and title.

Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt